

**IT IS HEREBY ADJUDGED  
and DECREED this is SO  
ORDERED.**

The party obtaining this order is responsible for  
noticing it pursuant to Local Rule 9022-1.

**Dated: July 12, 2010**



**TIFFANY & BOSCO**  
P.A.

**2525 E. CAMELBACK ROAD  
SUITE 300**

**PHOENIX, ARIZONA 85016**

**TELEPHONE: (602) 255-6000**

**FACSIMILE: (602) 255-0192**

**Mark S. Bosco**

**State Bar No. 010167**

**Leonard J. McDonald**

**State Bar No. 014228**

**Attorneys for Movant**

**09-29104**

*Randolph J. Haines*

**RANDOLPH J. HAINES  
U.S. Bankruptcy Judge**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA**

**IN RE:**

**Gary W. Ferguson and Julie Anne Ferguson  
Debtors.**

**Deutsche Bank, as Trustee for BCAPB LLC Trust  
2007-AB1**

**Movant,  
vs.**

**Gary W. Ferguson and Julie Anne Ferguson,  
Debtors; Russell A. Brown, Trustee.**

**Respondents.**

**No. 2:09-bk-28667-RJH**

**Chapter 13**

**(Related to Docket #)**

**AMENDED ORDER REGARDING  
MOTION FOR RELIEF**

**IT IS HEREBY ORDERED** by and between the parties herein, through counsel undersigned,  
that all stays and injunctions, including the automatic stays under U.S. Bankruptcy Code Section  
362(a), are hereby vacated with respect to the real property which is the subject of the Deed of Trust  
recorded in the records of the Maricopa County, Arizona Recorder's Office, wherein Gary W.

1 Ferguson and Julie Anne Ferguson, are designated as trustors and Deutsche Bank, as Trustee for  
2 BCAPB LLC Trust 2007-AB1 is the current beneficiary, which Deed of Trust encumbers the  
3 following described real property:

4 Lot 296, NEWCASTLE HOMES UNIT TWO-A, according to Book 73 of Maps, Page 5,  
5 records of Maricopa County, Arizona.

6 IT IS FURTHER ORDERED that the debtors will cure the post-petition arrearages currently  
7 due as follows:

8 4 Monthly Payments(s) at \$1,505.68	\$6,022.72
(February 1, 2010 - May 1, 2010)	
9 4 Late Charge(s) at \$67.65	\$270.60
(February 1, 2010 - May 1, 2010)	
10 Post Petition Inspection	\$15.00
11 Motion for Relief Filing Fee	\$150.00
Attorneys Fees	\$800.00
12 Suspense Amount	(\$199.61)
13 Total	\$4,904.79

- 14
- 15 1. The total arrearage shall be paid in within the Chapter 13 Plan.
  - 16 2. In addition to the payment listed in Paragraph 1, the Debtors, will make the regular  
17 post-petition payment due for June 1, 2010 , which shall be made when due, and all subsequent  
18 payments shall be made when due.

19 IT IS FURTHER ORDERED that Deutsche Bank, as Trustee for BCAPB LLC Trust 2007-  
20 AB1 as the current beneficiary under the above described Deed of Trust agrees not to conduct a  
21 Trustee's Sale or judicial "foreclosure" on its Deed of Trust, so long as the terms of this ORDER are  
22 complied with. In the event of default in making any payments described herein Secured Creditor is  
23 permitted, in its discretion, to conduct a Trustee's Sale, judicial foreclosure, or take whatever other  
24 actions necessary to protect their interest in the above legally described property upon giving written  
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1 notice of such default to debtors, Debtors' Counsel and Trustee and Debtors' failure to cure such  
2 default within fifteen (15) days of the date of such notice. In the event said default is not cured within  
3 said fifteen (15) day period, all arrearages, both pre-petition and post-petition shall become  
4 immediately due and payable in full and pre-petition arrearages shall not continue to be payable under  
5 the terms of the Plan.

6 IT IS FURTHER ORDERED that if a default notice becomes necessary, Debtors will be  
7 charged \$150.00 for fees and costs associated with handling the curing of the default, to be paid  
8 together with the defaulted payment and late charge. Debtors shall tender the default payment, late  
9 charge and the additional \$150.00 fee for attorney's fees and costs, as set forth above, in the form of a  
10 cashier's check or money order, made payable to Movant. If the defaulted payments are not received  
11 by Movant, together with the late charge and the \$150.00 default fee, within fifteen days after the  
12 default notice was sent, all arrearages, both pre-petition and post-petition shall become immediately  
13 due and payable in full and pre-petition arrearages shall not continue to be payable under the terms of  
14 the plan.  
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16 IT IS FURTHER ORDERED that if Debtor' Bankruptcy Case No. 2:09-bk-28667-RJH is  
17 dismissed, either voluntary or involuntary, for any reason, this ORDER will become null and void  
18 and Deutsche Bank, as Trustee for BCAPB LLC Trust 2007-AB1, and after such dismissal, may, in  
19 its discretion, conduct a Trustee's Sale or judicial "foreclosure" on its Deed of Trust or take whatever  
20 other actions necessary to protect their interest in the above legally described property.  
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22 IT IS FURTHER ORDERED that in the event of conversion by the Debtor to any other  
23 bankruptcy chapter, the repayment portion of this Order shall become null and void, except that the  
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1 portion of this Order vacating the automatic stay under U.S. Bankruptcy Code Section 362 (a) shall  
2 remain in full force and effect.

3 IT IS FURTHER ORDERED that any hearings scheduled in the matter are vacated.  
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